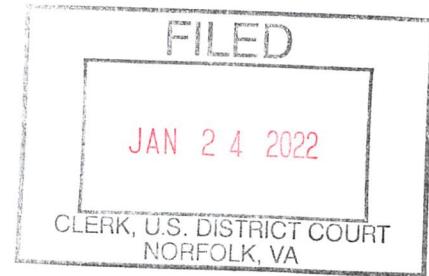


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



LARATIO L. DANTZLER, #1091006,

Petitioner,

v.

ACTION NO. 2:20cv413

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

Petitioner Laratio L. Dantzler (“Dantzler”), a Virginia inmate, has submitted an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 5. Dantzler alleges violations of federal rights pertaining to his convictions in the Circuit Court for the City of Newport News on March 3, 2017, of two counts of first degree murder, five counts of use of a firearm in the commission of a felony, three counts of attempt to commit robbery, two counts of brandishing a firearm, and two counts of discharge of a firearm in public place. *Id.* at 1. As a result of the convictions, Dantzler was sentenced to two life terms, plus eighty-seven years. *Id.* Respondent filed a motion to dismiss the amended petition. ECF Nos. 15, 17–18.

This matter was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. On December 10, 2021, the Magistrate Judge prepared a report and recommendation, recommending that respondent’s motion to dismiss, ECF

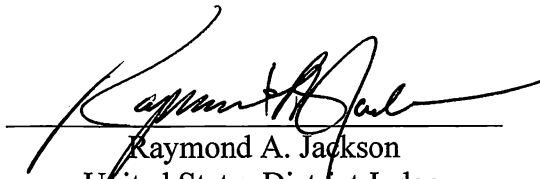
No. 15, be granted, and the amended petition for a writ of habeas corpus, ECF No. 5, be denied and dismissed with prejudice. ECF No. 26. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 6–7. On January 6, 2022, the Court received Dantzler’s objections to the findings and recommendations made by the Magistrate Judge. ECF No. 27.

The Court, having reviewed the record and examined the objections filed by Dantzler to the report and recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent’s motion to dismiss, ECF No. 15, is **GRANTED**, and the amended petition for a writ of habeas corpus, ECF No. 5, is **DENIED** and **DISMISSED WITH PREJUDICE**.

Finding that the basis for dismissal of Dantzler’s section 2254 petition is not debatable, and alternatively finding that Dantzler has not made a “substantial showing of the denial of a constitutional right,” a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts.; *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Dantzler is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts. **If Dantzler intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Order. Dantzler may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Dantzler and counsel of record for respondent.



Raymond A. Jackson
United States District Judge

Norfolk, Virginia
January 24, 2022